

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
MAY 1, 2007
7:00 P.M.**

ROLLCALL Answering rollcall were Members Bennett, Masica, Swenson and Mayor Hovland. Member Housh was absent.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Bennett and seconded by Member Swenson approving the Council Consent Agenda as presented with the exception of Agenda Item No. II. A. 3. & 4. Set Hearing Date (05/15/07) Ord. No. 2007-9-09 Amending Subsection 850.14, Subd. 5 and Final Development Plan, Cypress Equities, Old AMC Theater Site.

Rollcall:

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

MAY 2007 PROCLAIMED HERITAGE PRESERVATION MONTH Mayor Hovland proclaimed the month of May as Heritage Preservation Month in the City of Edina and encouraged residents to recognize and participate in fostering local pride and maintaining community character in our City. **Member Masica made a motion seconded by Member Swenson proclaiming May 2007 as Heritage Preservation Month in Edina.**

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

2007 HERITAGE AWARD PRESENTED Associate Planner Repya along with the Mayor and City Council presented the 2007 Edina Heritage Award to Dick and Jackie Whitbeck owners of the Sly House located at 6128 Brookview Avenue. Ms. Repya briefly reviewed the renovation project undertaken by the Whitbecks and how they preserved their historic farm home.

MAY 20-26, 2007, NATIONAL PUBLIC WORKS WEEK PROCLAIMED Mayor Hovland encouraged all citizens and civic organizations to recognize the contributions public works officials make every day to our health, safety, comfort and quality of life.

Member Masica made a motion proclaiming May 20 - 26, 2007, as National Public Works Week in Edina. Member Bennett seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

2006 STATE CHAMPION GIRLS TENNIS TEAM COMMENDED Mayor Hovland congratulated the 2006 Edina Girls Tennis Team on their winning season and State Championship. **Member Swenson made a motion, seconded by Member Masica adopting Resolution No. 2007-58 commending the 2006 Edina Girls Tennis Team on their 2006 Classic Lake Conference, Section and State Championships, as a team and as Doubles Champions.**

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF APRIL 17, 2007, WORK SESSION OF APRIL 17, 2007, AND STUDY SESSION OF APRIL 24, 2007, APPROVED** Motion made by Member Bennett and seconded by Member Swenson approving as presented the Minutes of the Regular Meeting of April 17, 2007, Work Session of April 17, 2007, and Study Session of April 24, 2007.

Motion carried on rollcall vote - four ayes.

***HEARING DATE SET OF MAY 15, 2007, FOR PLANNING MATTERS** Motion made by Member Bennett and seconded by Member Swenson setting May 15, 2007, as hearing date for planning matters:

1. Designation to Edina Heritage Landmark District pursuant to Section 850.20 of the City Code
2. Ordinance No. 2007-08 Subsection 850.03, Subdivision 3 Building Height or Structure Height, Subsection 850.07 Subdivision 6 Exceptions to Setback Requirements, and Subsection 850.11 Subdivision 6b Minimum Setbacks

Motion carried on rollcall vote – four ayes.

Member Bennett made a motion seconded by Member Masica setting June 5, 2007, as hearing date for the following planning matters:

1. Ordinance No. 2007-09 Subsection 850.14, Subdivision 5, an amendment regarding non-residential floor area in the MDD-6 District.
2. Final Development Plan, Cypress Equities – Old AMC Theater Site

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

ADOPTED RESOLUTION NO. 2007-51 AUTHORIZING AGREEMENT ASSIGNING CDBG SCATTERED SITE AFFORDABLE HOUSING FUND TO WEST HENNEPIN AFFORDABLE HOUSING LAND TRUST Associate Planner Repya explained the CDBG Scattered Site Affordable Housing Program had a balance of \$245,481 that must be spent by December 31, 2007, or the funds will be recaptured by Hennepin County to be redistributed County-wide. She noted the funds represented the accumulated program budgets for years 2004 through 2006. The Council briefly discussed the proposal with Janet Lindbo, Executive Director of West Hennepin Affordable Housing Land Trust, and Ms. Repya.

Member Masica made a motion adopting Resolution No. 2007-51 authorizing agreement assigning CDBG Scattered Site Affordable Housing Fund to West Hennepin Affordable Housing Land Trust. Member Swenson seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

PUBLIC COMMENT – No one appeared to comment.

ORDINANCE NO. 2007-07 AMENDING SUBSECTION 1115.02 IRRIGATION BAN GRANTED FIRST READING Engineer Houle reviewed the proposed changes to Edina Code Subsection 1115.02 outlining the reasons for the changes. He explained that daytime sprinkling has prevented the City's water system from recovering from daytime water usage. Mr. Houle said he felt the amendment was necessary in order to maintain adequate water supply for all uses including firefighting, to balance peak day water use, and to promote water conservation. The Council discussed the proposed amendment noting that golf courses, homes with private wells and those getting water from the City of Minneapolis would not be affected by the amendment; the method of notifying residents of the change; permits allowing watering of new sod and seed areas; and proposed surcharges.

Member Swenson made a motion to grant First Reading to Ordinance No. 2007-07 amending Subsection 1115.02 Irrigation Ban directing staff to revise: subparagraph 1 and subparagraph 3 of Subd. 5 Exempt Properties and adding language about proposed surcharges before presenting for Second Reading. Member Bennett seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

***BID AWARDED FOR ONE TON TRUCK – 3500 SERIES 4WD CAB/CHASSIS** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for one ton truck – 3500 series 4WD cab/chassis to recommended low bidder, Thane Hawkins Polar Chevrolet (State Contract No. 436979) in the amount of \$21,371.38.

Motion carried on rollcall vote – four ayes.

***BID AWARDED FOR PORTABLE TRAILER MOUNTED ARROWBOARD** Motion made by Member Bennett and seconded by Member Swenson awarding the bid for one Portable Trailer Mounted Arrowboard to recommended low bidder, United Rentals Highway Technologies (State Contract No. 437321) at \$19,003.86

Motion carried on rollcall vote – four ayes.

REPORT PRESENTED ON CONSTRUCTION NOISE Sanitarian Engelman presented the findings of her survey of surrounding communities regarding the requirements/limitations on construction noise. She contacted St. Louis Park, Minnetonka, Eden Prairie, Bloomington, Hopkins, Richfield, and Golden Valley and reported to Council the restrictions if any applied to construction noise. Ms. Engelman also outlined that Minnesota Pollution Control Agency Noise Standards. Following a discussion of the existing standards, those of surrounding communities, and the challenges of measuring construction noise, Council directed staff to prepare an amendment to Edina Code changing the allowable hours for construction noise to 7 a.m. until 9 p.m. weekdays and 8 a.m. until 7 p.m. on weekends.

RESOLUTION NO. 2007-53 – ACCEPTING VARIOUS DONATIONS Mayor Hovland explained in order to comply with State Statutes, all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations.

Member Masica introduced Resolution No. 2007-53, accepting various donations, and moved approval. Member Swenson seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

***WAREHOUSE LEASE APPROVED – FIRE DEPARTMENT** Motion made by Member Bennett and seconded by Member Swenson approving the lease of warehouse office space from Plourde Properties, LLC at 6801 Washington Avenue in Edina until April 30, 2008, during the reconstruction of Fire Station No. 1 on Tracy Avenue.

Motion carried on rollcall vote – four ayes.

***RESIDENTIAL RECYCLING CONTRACT EXTENDED** Motion made by Member Bennett and seconded by Member Swenson extending the residential recycling contract with Allied Waste Services through December 31, 2008.

Motion carried on rollcall vote – four ayes.

APPOINTMENT MADE TO TRANSPORTATION COMMISSION Mayor Hovland noted that an opening has existed on the Transportation Commission since Member Bennett was seated on the Council. He said he was recommending Paul Mooty to fill the vacancy. **Mayor Hovland made a motion, seconded by Member Masica to appoint Paul Mooty to a position on the Edina Transportation Commission to a term expiring February 1, 2010.**

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

***CONFIRMATION OF CLAIMS PAID** Motion made by Member Bennett and seconded by Member Swenson approving payment of the following claims as shown in detail on the Check Register dated April 19, 2007, and consisting of 31 pages: General Fund \$104,183.47;

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Communications Fund \$32,270.15; City Hall Debt Service \$315.00; Working Capital Fund \$30,628.65; Construction Fund \$5,876.60; Art Center Fund \$3,758.60; Golf Dome Fund \$21,544.46; Aquatic Center Fund \$28,102.15; Golf Course Fund \$42,432.54; Ice Arena Fund \$13,180.81; Edinborough/Centennial Lakes Fund \$31,782.73; Liquor Fund 197,210.29; Utility Fund \$82,368.12; Storm Sewer Fund \$1,186.36; Recycling Fund \$33,958.00; PSTF Agency Fund \$13,319.61; TOTAL \$642,117.54; and for approval of payment of claims dated April 24, 2007, and consisting of 27 pages: General Fund \$186,707.70; Communications Fund \$591.08; Working Capital Fund \$87,823.13; Construction Fund \$1,981.78; Art Center Fund \$22,356.17; Golf Dome Fund \$3,755.00; Aquatic Center Fund \$7,688.63; Golf Course Fund \$19,275.70; Ice Arena Fund \$679.10; Edinborough/Centennial Lakes Fund \$12,627.48; Liquor Fund \$101,918.15; Utility Fund \$16,197.97; Storm Sewer Fund \$741.74; PSTF Agency Fund \$5,602.26; TOTAL \$467,945.89; and for Credit Card Transaction dated April 25, 2007 TOTAL \$1,408.92.

Motion carried on rollcall vote – four ayes.

RESOLUTION NO. 2007-54 ADOPTED AWARD SALE OF SERIES 2007A \$5,910,000 CAPITAL IMPROVEMENT BONDS – FIRE STATION Following a brief presentation and discussion with Finance Director Wallin and Mark Ruff, Ehlers Bond Consultant, **Member Masica introduced Resolution No. 2007-54, awarding sale of series 2007A \$5,865,000 capital improvement bonds – Fire Station to Cronin & Company, Inc. and USB Investment Bank.** Member Swenson seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-55 ADOPTED AWARDING SALE OF SERIES 2007B \$8,210,000 UTILITY REVENUE BONDS Following a brief presentation and discussion with Finance Director Wallin and Mark Ruff, Ehlers Bond Consultant, **Member Bennett introduced Resolution No. 2007-55, awarding sale of series 2007B \$8,210,000 Utility Revenue Bonds to Piper Jaffray & Company.** Member Swenson seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2007-56 ADOPTED AWARDING SALE OF SERIES 2007C \$5,870,000 PERMANENT IMPROVEMENT REVOLVING FUND BONDS Following a brief presentation and discussion with Finance Director Wallin and Mark Ruff, Ehlers Bond Consultant, **Member Swenson introduced Resolution No. 2007-56, awarding sale of series 2007C \$5,870,000 Permanent Improvement Revolving Fund Bonds to Cronin & Company, Inc. and USB Investment Bank.** Member Bennett seconded the motion.

Ayes: Bennett, Masica, Swenson, Hovland

Motion carried.

JUNE 5, 2007 SET FOR PUBLIC HEARING ON TODD PARK HOCKEY RINK Following a discussion Council directed staff to send notices to residents within 1000 feet of Todd Park, but to no less than the 604 residents surveyed previously, notifying them of the June 5, 2007, date for a public hearing before the City Council regarding the Todd Park Hockey Rink.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 9:15 p.m.

Respectfully submitted,

Debra A. Mangen, City Clerk